

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION**

IN RE CAPITAL ONE CUSTOMER
DATA SECURITY BREACH LITIGATION

MDL No. 1:19-md-2915 (AJT/JFA)

**This Document Relates ONLY to the
following Case:**

MARCUS MINSKY, Individually and on Behalf
of All Others Similarly Situated,

Plaintiff,

v.

CAPITAL ONE FINANCIAL
CORPORATION, RICHARD FAIRBANK, and
R. SCOTT BLACKLEY,

Defendants.

Case No. 1:19-cv-1472 (AJT)

DEFENDANTS' MOTION TO DISMISS THE CLASS ACTION COMPLAINT

Defendants Capital One Financial Corporation, Richard Fairbank, and R. Scott Blackley respectfully move to dismiss Plaintiff's Class Action Complaint, filed October 2, 2019, pursuant to Rules 9(b) and 12(b)(6) of the Federal Rules of Civil Procedure and the Private Securities Litigation Reform Act of 1995, 15 U.S.C. § 78u-4 *et seq.* The grounds for this motion are set forth more fully in the accompanying supporting memorandum of law.

December 6, 2019

Respectfully submitted,

/s/

David L. Balser (*pro hac vice*)
Michael R. Smith (*pro hac vice* pending)
Kevin J. O'Brien (VSB No. 78886)
Benjamin Lee (*pro hac vice* pending)
Peter Starr (*pro hac vice*)
KING & SPALDING LLP
1180 Peachtree Street, N.E.
Atlanta, Georgia 30309
Tel.: (404) 572-4600
Fax: (404) 572-5140
dbalser@kslaw.com
mrsmith@kslaw.com
kobrien@kslaw.com
blee@kslaw.com
pstarr@kslaw.com

Robert A. Angle (VSB No. 37691)
Tim St. George (VSB No. 77349)
Jon S. Hubbard (VSB No. 71089)
Harrison Scott Kelly (VSB No. 80546)
TROUTMAN SANDERS LLP
1001 Haxall Point
Richmond, VA 23219
Tel.: (804) 697-1200
Fax: (804) 697-1339
robert.angle@troutman.com
jon.hubbard@troutman.com
scott.kelly@troutman.com
timothy.st.george@troutman.com

Mary C. Zinsner (VSB No. 31397)
TROUTMAN SANDERS LLP
401 9th Street, NW, Suite 1000
Washington, DC 20004
Tel.: (703) 734-4334
Fax: (703) 734-4340
mary.zinsner@troutman.com

***Counsel for Defendants Capital One Financial
Corporation, Richard Fairbank, and R. Scott
Blackley***

CERTIFICATE OF SERVICE

I hereby certify that on December 6, 2019, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will send notice of electronic filing to all counsel of record.

/s/

Kevin J. O'Brien (VSB No. 78886)
KING & SPALDING LLP

***Counsel for Defendants Capital One
Financial Corporation, Richard Fairbank,
and R. Scott Blackley***